





The logo of the Office of the Public Trustee is designed to visually convey both our mission and our philosophy.

The cross keys, a classic heraldic device, symbolize protection, security and responsibility. The dove - the bird of freedom - illustrates the role of the Office of the Public Trustee in asserting and protecting the rights of the individual and in promoting the personal independence of our clients.

CONTENTS

<i>A Message from the Attorney General</i>	<i>1</i>
--	----------

<i>A Message from the Public Trustee</i>	<i>2</i>
--	----------

<i>The Office of the Public Trustee: Who We Are and What We Do</i>	<i>3</i>
--	----------

- Our Mission • Our Philosophy
- Our Services
- Minors
- Mentally Incapable Adults
- Deceased and Missing Persons

<i>1990-1991: A Year of Accomplishment</i>	<i>6</i>
--	----------

- Better Public Communication
- Improved Support for Private Committees
- Enhanced Trust Administration
- Service Quality

<i>1991-1992: Building for the Future</i>	<i>8</i>
---	----------

- Continued Commitment to Service Quality
- Enhanced Intake and Intervention Services
- Improved Public Accountability
- Enhanced Guardianship Legislation
- New Process for Certifying Incapability
- Creating Uniform Services to Minors

<i>Finances</i>	<i>10</i>
-----------------	-----------

<i>Appendix: Legislative Acts</i>	<i>Back Cover</i>
-----------------------------------	-------------------

1



1. A Public Trustee Educational Assistance Fund bursary for former wards made it possible for Clinton Alexander, a UBC Science student, to pursue his career goal in Genetic Engineering.

2. As Committee, the Public Trustee helped Mary Roll live independently until her health failed this past year. The Office then worked with a community support team to find a group home where Mrs. Roll would enjoy independence yet receive the personal care she requires. The Public Trustee continues to manage her finances and legal matters.



*M*anaging our own financial and legal affairs is a right most of us take for granted.

But some British Columbians are unable to protect their own resources or act in their own best interests. These people are vulnerable in our society, open to abuse from a variety of sources. The Office of the Public Trustee works to protect people who cannot protect themselves.

Two years ago, in June 1989, my Ministry announced an extensive initiative to make the Office of the Public Trustee more accessible, reliable, responsive and efficient.

I am proud to report that the office has made remarkable progress, and I look forward to more new and innovative achievements in the year ahead.



Colin Gabelmann

Colin Gabelmann
Attorney General



Our restructuring is changing the way in which we assist people. When we become involved in a person's life, we strive to ensure that the individual actively participates in managing his or her own affairs. We strongly believe that the involvement of a caring family or friends greatly enhances a person's quality of life. In keeping with this belief, we are encouraging family members and friends to assist their loved ones and we are actively involving them in the decision-making process.

Staff of the office have always shown tremendous commitment to serving our clients. However, due to a significant increase in the demands on our services, we

have not always been able to consistently meet our clients' needs. As part of our restructuring efforts, we are employing new equipment and new procedures to streamline our more routine tasks so that we can devote more time to working with our clients and their families and friends.

In looking to the future, the Office of the Public Trustee has taken the lead within government to develop new adult guardian legislation. In working closely with our clients, and a wide variety of community and government organizations, a new vision of adult guardianship is emerging. The new legislation will more effectively balance the self-determination of vulnerable adults with the need to protect their interests.

Overall, I believe this office can deliver an excellent level of service. We are striving to achieve that goal. This report details the accomplishments of the office in 1990/91 and points the way to an even more positive future in 1991/92.

Myrna Hall
Public Trustee

Last year, we began restructuring the Office of the Public Trustee to improve the overall quality of our services. The direction of this restructuring is consistent with our vision that people served by the office must receive a friendly and accessible service that fosters independence while ensuring their interests are looked after.

Our Mission

The Office of the Public Trustee in British Columbia is a division of the Ministry of Attorney General. Operating under provincial legislative authority, the Public Trustee works to protect the legal rights and financial interests of minors, mentally incapable adults and deceased and missing persons, when there is no one else willing and able to act on their behalf.

Our Philosophy

The Office of the Public Trustee recognizes that people who cannot manage their own financial or legal affairs are vulnerable in our society. The Office strives to promote family responsibility in securing appropriate protection for these individuals and their estates. We attempt to maximize the personal independence of our clients and encourage our clients, their families and the community to participate in our work.

Our Services

The services of the Office of the Public Trustee stem from the concept that society has a duty or responsibility to care for people who are unable to care for themselves.

"... the Public Trustee works to protect the legal rights and financial interests of minors, mentally incapable adults and deceased and missing persons ..."

Minors:

The Public Trustee is appointed by the court or by statute to act as Official Guardian for any minor who does not have a legal guardian, and for all Permanent Wards of the Province.

As Official Guardian, the Public Trustee works to protect and manage the minor's estate and ensure that all legal claims and other benefits are pursued until the minor reaches legal age and can act independently.

In addition, the Office of the Public Trustee:

- invests and manages any funds for minors that, like I.C.B.C. benefits, are payable by statute to the Public Trustee;

- manages funds for minors that are paid into court through court orders and law suit settlements;

- reviews and makes recommendations on all settlements of law suits involving minors;

- investigates and takes appropriate corrective action on any alleged financial abuse of minors;

- pursues or defends any form of legal claim on behalf of minors, when no one else is able to act.

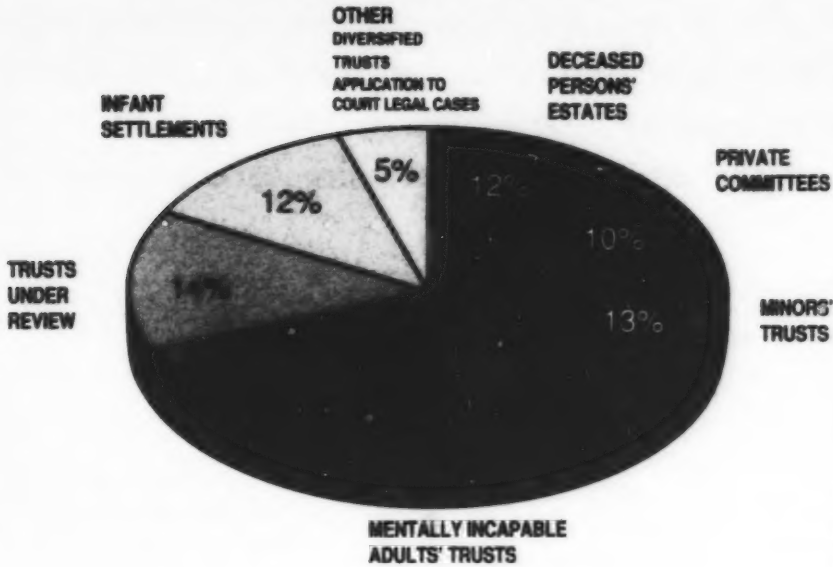
Mentally Incapable Adults:

The Public Trustee can be appointed by the Supreme Court, or through a certificate of

incapability from a certified Mental Health Centre, as Committee of the Estate to manage the financial and legal affairs of an adult deemed mentally incapable of acting on his or her own behalf. The Public Trustee is appointed Committee (pronounced Kaw-mit-tee) only when there is no one else - a friend or relative - willing and able to act.

As Committee of the Estate, the Office ensures that the assets of the adult are protected from anyone trying to take financial or legal advantage. Our services can be as simple as paying bills or arranging for the purchase of a new television set, or as complex as engaging a competent and skilled manager to oversee an active business.

CLIENT CASES BY TYPE OF SERVICE



Under special circumstances, the Public Trustee will act as Committee of the Person for an adult who cannot determine his or her own health care needs. The Public Trustee will also assist in the management of financial and legal affairs when appointed under a Power of Attorney by an adult who is legally capable, but needs assistance.

In addition, the Public Trustee:

- reviews the accounts of all Private Committees appointed by the Supreme Court to represent adults assessed as mentally incapable;

- reviews all applications for Private Committeeship and makes recommendations to court on bonding or other restrictions for Private Committees;

- reviews and investigates trusts and takes appropriate corrective action on any alleged financial abuse of mentally incapable adults.

Deceased and Missing Persons:

The Public Trustee acts as Official Administrator for those people who die without leaving a will and without heirs living

in B.C. who are willing and able to administer their estates.

The Public Trustee also acts as Official Administrator for the estates of people who die with a will, but without naming an executor or beneficiaries who are willing and able to assume the administration of the estate.

As Official Administrator, the Public Trustee secures and liquidates assets, files tax returns, pays valid debts, conducts a thorough search for heirs, establishes the rights of the heirs to share in the estate and distributes the remainder of the assets.

The Public Trustee can also be named as the executor of a will, and can be appointed as Curator of the estate for a missing person until he or she is either found or legally declared dead.

"Through a series of new policies, programs and publications, we have significantly improved the ways in which we respond to our clients, their families and the community."

Over the past year, the Office of the Public Trustee continued to work toward objectives established in 1989 to improve services to those British Columbians who need our special assistance and protection. Through a series of new policies, programs and publications, we have significantly improved the ways in which we respond to the unique needs of our clients, their families and the community.

Better Public Communication

In 1990-1991, the Office of the Public Trustee provided agencies, volunteer groups, clients, their families and the general public with improved information by:

- producing four new, plain language publications on our role, responsibilities and the services we offer;

- explaining our services to over 9,000 people through speaking engagements, workshops, conferences and fairs, and by answering requests for information;

- offering public information on "Planning Now to Protect Your Future", which describes how an individual can set out his or her wishes for future health care, financial and legal management, if and when there comes a time he or she is no longer capable of acting independently; and

- holding an open house for health, financial, legal and social service professionals to reinforce the vital role we all play in providing services to a special group of British Columbians.

Improved Support for Private Committees

A Private Committee - usually a friend or relative - is a person appointed by the court to take responsibility for another person's financial and legal affairs after he or she is deemed incapable of managing them independently. In 1990-1991, the Office of the Public Trustee worked in consultation with Private Committees and members of the financial and legal community to develop new guidelines to help Private Committees more effectively carry out their duties, including:

- a plain language Handbook with a step-by-step guide for fulfilling management and reporting requirements; and

- an easy-to-use Summary of Accounts reporting package.

Enhanced Trust Administration

In 1990-1991, the Office of the Public Trustee began restructuring trust administration services to establish a new, more consistent standard of service delivery across the province and to maximize the involvement of clients and their families, friends and support groups in the decision-making process. This restructuring included:

- working with community service groups to more effectively coordinate the full range of client support services;

- developing, where appropriate, personalized "life style" plans for our clients and their families to ensure that they participate to the greatest extent possible in making important financial and legal decisions; and

- conducting a survey of 247 health care, financial and legal professionals across the province to help us identify the strengths and weaknesses of our current trust administration services.

Service Quality

The goals of service quality, particularly in setting service standards, streamlining and improving access to services, and creating a highly-trained, knowledgeable and efficient staff, is an important part of the Office of the Public Trustee's restructuring program.

In 1990-1991, we illustrated our commitment to service quality by:

- organizing frequent staff orientation sessions to ensure all staff fully understand the role and services of the Office of the Public Trustee;
- holding the first annual Office retreat as an occasion to renew our commitment to meeting our service quality goals and to reinforce our team spirit;
- offering regular in-service presentations from experts on a variety of topics relating to the special needs of our clients, including recent developments and discoveries in the health, legal and social services fields; and
- providing specific training in interacting with clients, creating satisfied customers, and writing in plain language.

"Continued Commitment to Service Quality"

The Office of the Public Trustee plans to build on the achievements of 1990-1991 by continuing to work towards the goal of establishing an efficient, accessible and caring service for all British Columbians through:

Continued Commitment to Service Quality

In 1991-1992, the Office will demonstrate its commitment to service quality and to further improving access to services by:

- forming a Service Quality Team to identify further activities necessary to improve service delivery;
- revising our telephone system to better enable our staff to personally answer each of the over 4000 calls we regularly receive each month;
- continuing to offer public information sessions to improve public awareness; and
- introducing a new complaints mechanism to quickly bring the concerns of clients and their families to the attention of the Public Trustee.

Enhanced Intake and Intervention Services

Staff in our Intake and Intervention section take reports from concerned individuals or agencies about people who are having difficulty managing their affairs or are suspected of being unduly influenced by someone else. Staff then investigate the circumstances in each case and determine the most appropriate response.

Over the next year, the Office of the Public Trustee will:

- improve internal working procedures to create a more timely and effective client response; and
- work with community and government agencies to establish and communicate referral guidelines.

Improved Public Accountability

The Office of the Public Trustee has a duty to account to the government and the people of B.C. for how it carries out its legislated duties and responsibilities.

Over the next year, the Office plans to improve public accountability by:

- developing service standards in each operational area and setting up a mechanism to ensure that these standards are maintained; and
- increasing financial audit activities.

Enhanced Guardianship Legislation

The Public Trustee chairs an Inter-Ministerial Committee with a mandate to develop new adult guardianship legislation that will provide greater

protection and assistance to adults who are mentally incapable as a result of illness, injury or disability.

This Committee works in close cooperation with the community-based Project to Review Adult Guardianship, which has put forward a series of recommendations for new guardianship legislation that includes varying levels of assistance - based on the capability and situation of the adult - with the goal of encouraging maximum independence.

In 1991-1992, the Public Trustee will continue to work with community and government agencies to refine the recommendations for legislation and determine an appropriate implementation strategy. Once the refinements are complete, the Committee will seek government endorsement of the proposal, followed by the development of a full legislative package.

New Process for Certifying Incapability

A Certificate of Incapability can be

issued by designated Mental Health Centres or hospital psychiatric units to appoint the Public Trustee as Committee of an adult who is deemed to be unable to manage his or her financial and legal affairs.

In 1990-1991, the Office of the Public Trustee worked with mental health professionals and physicians to revise the process for issuing a Certificate of Incapability.

In 1991-1992, this new Certificate process will be implemented to provide greater protection of an adult's rights by ensuring that:

- the adult is fully advised of the pending Certificate;
- the adult and his or her family and friends are involved in the certification process; and
- the Certificate is issued only when there is no other person willing and able to assist.

The new process will also contain a more accurate method of assessing capability,

which will be evaluated and refined over the next two years by the Office of the Public Trustee.

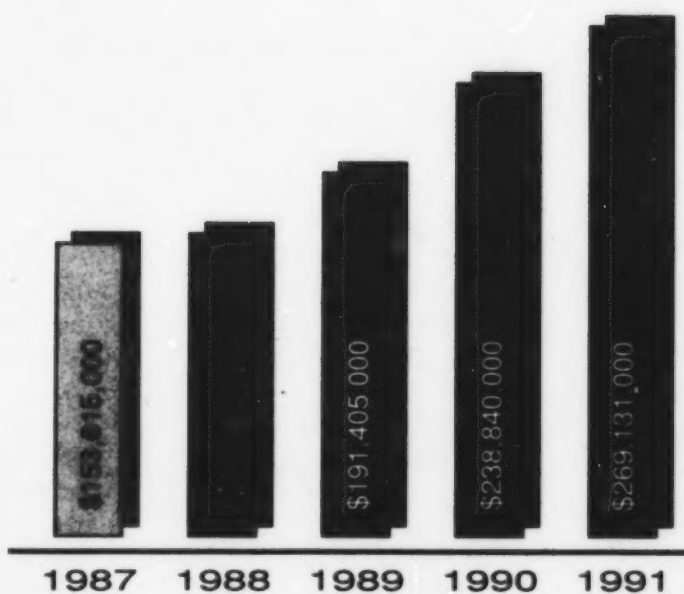
Creating Uniform Services to Minors

As Official Guardian for the province, the Public Trustee is responsible for protecting the legal rights and financial interests of minors, including the administration of any monies held in trust on their behalf, either by the Public Trustee or the Courts.

Over the next year, the Office will investigate the feasibility of transferring Infant Suitors' funds held by the Courts to the Public Trustee in order to:

- create a more uniform approach to protecting the rights of minors;
- streamline administrative processes;
- help eliminate confusion for minors and their families.

**10 CASH AND TEMPORARY
INVESTMENTS
ADMINISTERED BY
THE OFFICE OF THE
PUBLIC TRUSTEE 1987 - 1991**



**AS AT MARCH 31:
CASH AND TEMPORARY INVESTMENTS OVER THE PAST 5 YEARS**

ESTATES AND TRUSTS 11
UNDER THE ADMINISTRATION OF
THE OFFICE OF
THE PUBLIC TRUSTEE

Balance Sheet
As at March 31, 1991

(Unaudited)

	(In Thousands)	1991	1990
Assets:			
Cash and Temporary Investments (Note 2)		\$ 269,131	\$ 238,840
Funds Held in External Accounts		6,427	4,801
Accounts Receivable		6,369	5,113
Pensions, Annuities and Insurance		2,480	2,140
Securities and Investments		31,466	30,436
Jewellery and Collectibles		250	175
Real Properties		41,039	32,398
Vehicles		438	300
Household/Personal Effects and Other Assets		1,398	1,000
		<u>\$ 358,998</u>	<u>\$ 315,203</u>
Liabilities:			
Fees and Commissions Payable to the Public Trustee		\$ 682	\$ 2,374
Cost Reimbursements to the Public Trustee (Note 3)		327	252
		1,009	2,626
Mortgages and Agreements Payable		1,298	484
Notes, Loans and Other Payables		2,694	122
		3,992	606
Excess of recorded value of Assets over Liabilities		<u>353,997</u>	<u>311,971</u>
		<u>\$ 358,998</u>	<u>\$ 315,203</u>

**12 ESTATES AND TRUSTS
UNDER THE ADMINISTRATION OF
THE OFFICE OF
THE PUBLIC TRUSTEE**

Statement of Cash Receipts and Disbursements
For the Year Ended March 31, 1991

(Unaudited)

	(In Thousands)	1991	1990
Receipts:			
Proceeds from Asset Dispositions and Realization of Receivables		\$ 42,768	\$ 34,191
Pensions, Compensation and Assistance		27,346	26,602
Funds Transferred from Official Administrators (Note 4)		-	22,580
Pooled Investment Income (Note 5)		28,880	21,992
Canadian Interest and Dividends		4,104	5,005
Other Income		6,909	7,832
Total Receipts		110,007	118,202
Disbursements:			
Living and Personal Expenses		26,529	24,134
Funds Distributed to Heirs and Beneficiaries		28,045	23,477
Commissions and Costs Paid to the Public Trustee		5,443	5,333
Professional Services		2,942	2,879
Burial and Estate Settlement Expenses		2,555	1,506
Funds Escheated to the Crown (Note 6)		532	1,502
Medical, Dental and Other Health Care Expenses		626	595
Other Expenses		13,044	11,341
Total Disbursements		79,716	70,767
Excess of Receipts over Disbursements		30,291	47,435
Cash and Temporary Investments, Beginning of Year		238,840	191,405
Cash and Temporary Investments, End of Year		\$ 269,131	\$ 238,840

Notes to Financial Statements
 For the Year Ended March 31, 1991
 (Unaudited)

Reporting Entity

Under the authority of a number of statutes, estates and trusts are administered and managed by the Office of the Public Trustee. The Public Trustee acts on behalf of mentally incapable persons, deceased persons, minors and missing persons. The Public Trustee is considered to be an appointment of last resort and provides a public service where no one else is willing and able to act.

1. Significant Accounting Policies

- a) The financial statements are prepared on an accrual basis of accounting.
- b) Asset valuation is generally based on approximate net realizable value at the commencement date of trusteeship, which is the date of death for estate administration and date of appointment for trust administration. When such value is not readily available or is inappropriate, a nominal value of \$1 is used.
- c) Temporary investments consist of units in the Province of British Columbia Pooled Investment Portfolios. Units are carried at the cost of acquisition adjusted by income attributed to the units and realizable upon the sale of the units.
- d) Prior to April 1, 1988, Fees and Commissions Payable to the Public Trustee were recorded as liabilities in the trust accounts. The settlement of these liabilities occurs at the conclusion of the trusteeship. Fees and Commissions Payable to the Public Trustee represent the aggregate value of these liabilities.

Effective April 1, 1988 commissions are payable to the Public Trustee upon receipt of clients' cash proceeds. Consequently, the aggregate value of these liabilities is expected to decrease in subsequent years.

2. Cash and Temporary Investments

(In Thousands)	1991	1990
Cash	\$ 2,052	\$ 100
Temporary Investments	267,079	238,740
	<u>\$ 269,131</u>	<u>\$ 238,840</u>

Units in Pooled Investment Portfolios are managed by Provincial Treasury, Ministry of Finance and Corporate Relations.

As at March 31, 1991, the market value of the units was \$268,992,000 (1990 - \$238,477,000).

**14 ESTATES AND TRUSTS
UNDER THE ADMINISTRATION OF
THE OFFICE OF
THE PUBLIC TRUSTEE**

Notes to Financial Statements
Year Ended March 31, 1991
(Unaudited)

3. *Cost Reimbursements to the Public Trustee*

This represents the obligations of the trust accounts to repay temporary advances made by the Office of the Public Trustee on their behalf.

4. *Funds Transferred From Official Administrators*

Effective November 1, 1989, the Public Trustee was appointed the Official Administrator of the Province.

The funds transferred during the prior year represent the balance of intestate estates administered previously by former Official Administrators.

5. *Pooled Investment Income*

Income from Pooled Investments is apportioned monthly to trust accounts on the basis of their respective accumulated daily ending balances.

The average annual effective yield for the year was 13.09% (1990 - 12.55%).

6. *Funds Escheated to the Crown*

Under the Unclaimed Monies Act, all monies held in trust accounts that have been deemed inactive for a period of ten years are transferred or payable to the Consolidated Revenue Fund of the Province.

During the year, \$532,600 was transferred and \$739,000 was payable to the Province for a total of \$1,271,000 (1990 - \$1,502,000).

15

**PROVINCE OF BRITISH COLUMBIA
MINISTRY OF ATTORNEY GENERAL
OFFICE OF THE PUBLIC TRUSTEE -
SPECIAL ACCOUNT**

For the Year Ended March 31, 1991

(Unaudited)

(In Thousands)

1991

1990

Revenue:

Commissions	\$ 5,968	\$ 4,977
Investment Income earned by Inactive Estates	1,706	1,658
Fees	260	257
Cost Recoveries	93	85
Miscellaneous	9	53
	<u>8,036</u>	<u>7,030</u>

Expenditure:

Salaries & Benefits	3,401	3,252
Operating Costs:		
Building Occupancy Charges	753	786
Other Professional Services	636	421
Clients' Property Management	378	378
Computer System Support and Expenses	444	368
Deputy Official Administrators Services (Note A)	1,212	338
Legal Services	411	247
Other Operating and Administrative	234	193
Telecommunication	145	133
Asset Acquisitions	257	196
Other Expenditures	92	29
	<u>7,963</u>	<u>6,341</u>

Excess of Revenue Over Expenditure

73 689

Equity, Beginning of Year

2,151 -

Add: Statutory Transfer (Note B)

- 1,462

Equity, End of Year

\$ 2,224 \$ 2,151

The Special Account was created by authority of the Public Trustee Amendment Act, 1989. Administered by the Ministry of Attorney General, the purpose of the account is to provide services to clients of the Public Trustee, including those incapable of managing their own affairs, deceased estates where no other person is willing or able to act, minors in receipt of settlements, and missing persons. Revenue represents fees and commissions paid by clients of the Public Trustee for services rendered, and investment income earned by inactive estates. Expenditures are for costs directly related to the provision of services to clients and for administration.

Note A: The Deputy Official Administrators Program was implemented in November 1989. The amount (\$1,212,000) represents the cost of operation for a full year.

Note B: Statutory Transfer represents the net commissions receivable by the Public Trustee as at March 31, 1989 (\$2,758,000 less \$1,296,000 allowance for doubtful accounts) transferred from the Ministry of Attorney General account to the Office of the Public Trustee Special Account.

**16 PROVINCE OF BRITISH COLUMBIA
MINISTRY OF ATTORNEY GENERAL
OFFICE OF THE PUBLIC TRUSTEE -
SPECIAL ACCOUNT**

Schedule of Sources of Revenue
For the Year Ended March 31, 1991

(Unaudited)

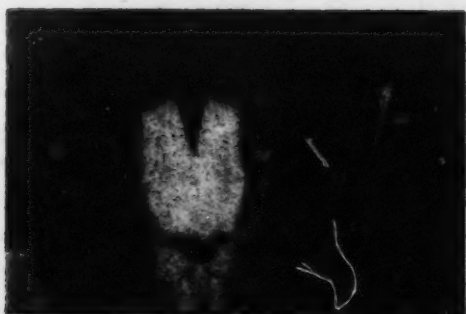
(In Thousands)	Commissions and Cost Recoveries (Note C)	Fees	Other	Total
Administration Fees:				
Patients' Trusts	\$ 4,188			\$ 4,188
Deceased Persons' Estates	1,222			1,222
Minors' Trusts	417	\$ 12		429
Diversified Trusts	141			141
	<u>5,968</u>	<u>12</u>		<u>5,980</u>
Cost Recoveries	93			93
Monitoring Fees:				
Private Committees		113		113
Infant Settlements		79		79
Applications to Court under Specific Acts		56		56
		<u>248</u>		<u>248</u>
Other:				
Investment Income earned by Inactive Estates (Note D)			\$ 1,706	1,706
Miscellaneous			9	9
Total Revenue	<u>\$ 6,061</u>	<u>\$ 260</u>	<u>\$ 1,715</u>	<u>\$ 8,036</u>

Note C: The total commissions and cost recoveries of \$6,061,000 as recorded in the Special Account differs by \$618,000 from the commissions and costs of \$5,443,000 paid to the Public Trustee as recorded in the Estates and Trusts under the Administration of the Office of the Public Trustee, Statement of Cash Receipts and Disbursements. The variance was mainly due to year end adjustments of commissions and costs payable to the Public Trustee.

Note D: The Minister of Finance and Corporate Relations, under the authority of Section 13 of the Public Trustee Act, directs the payment of investment income earned by the inactive estates to the Special Account.



*Office of the Public Trustee
celebrates
new premises
with an
Open House*





3. A car accident left five year old Crystal Wood with severe injuries. Her spirit and courage, coupled with the support of her parents, are credited for Crystal's marked recovery. The Public Trustee as Official Guardian for Minors, recommended her final settlement for injuries and consulted with her parents on the best way to invest the funds which are held in trust by the Office for Crystal's special medical needs, care and education.

4. When Robert Lahay was left out of his father's will, the Public Trustee, as his Committee, requested the courts to consider his claim to share in the estate. The money awarded enhanced his quality of life through special purchases like furniture, a tricycle, a special needs typewriter and his life long dream - a trip to Disneyland.

*The Office of the Public Trustee
operates within legislative
authority and jurisdiction
provided for under the:*

Public Trustee Act
Infants Act
Wills Variation Act
Patients Property Act
Trustee Act
Family and Child Service Act
Power of Attorney Act
Trust and Settlement
Variation Act
Estate Administration Act
Estates of Missing
Persons Act
Financial Administration Act

*Other Acts that directly or
indirectly affect the operations
of the Office of the Public
Trustee are the:*

Canada Pension Plan Act
Community Care Facility Act
Company Act
Criminal Injury
Compensation Act
Escheat Act
Family Compensation Act
Family Relations Act
GAIN Act
Health Act

Hospital Act
Hospital Insurance Act
Human Rights Code
Income Tax Act
Indian Act
Insurance Act
Land Title Act
Limitation Act
Mental Health Act
Old Age Security Act
Probate Fee Act
Residential Tenancy Act
Unclaimed Money Act
Vital Statistics Act
Wills Act
Workers Compensation Act